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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/659,659

09/10/2003

Nathaniel Christopher Herwig

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3696

26884

7590

03/04/2009

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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2887

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,659	<b>Applicant(s)</b> HERWIG ET AL.	
	<b>Examiner</b> EDWYN LABAZE	<b>Art Unit</b> 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Receipt is acknowledged of amendments filed on
2. Claims 1-10 are presented for examination.
3. After carefully reviewing the appellant's arguments with regards the prior art of record in the final office action, the examiner is herewith withdrawn the rejection as set forth in paper No. 20080819, in light of previously applied references {U.S. 6,311,165} of Coutts et al. in view of Itkis et al. (US 2002/0094860)} and/or broader interpretations of the claimed invention. The examiner regrets any inconvenience to the applicant. Accordingly, the PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

### *Examiner's Remarks*

4. The examiner herein broadly interprets the prior art of record, Coutts et al., in light of the claimed invention. Coutts et al. is directed to a transaction processing systems, wherein specially in fig.#24, Coutts et al. discloses that "using the user interface, card reader and receipt printer from an ATM system combined, e.g., with a bar code scanner module, the same ATM system modules and control software with similar applications could provide a POS terminal, as illustrated in FIG. 24. The retail store network can provide the necessary environment for the download of software and for connecting to stock and pricing information". Therefore, Coutts et al. is also directed to a POS retail terminal having a receipt printer and a barcode scanner in the same housing (see fig.# 24), wherein the receipt printer is directed to products sold {*herein Coutts et al. teaches that "it may be desirable to customize receipts and/or statements to promote a certain product or brand, or for tailoring the receipt to the user"*} (see ¶ 198).

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Furthermore, with regards the sale of products, the claimed invention does not specify the products. By definition and broadly interpreted, sale of products {not necessarily and only food or clothing and the like; product at an ATM machine could also be regarded as withdrawing funds from a different bank account wherein the customer as to pay the branch fee and the receipt could be the statement after the transaction} occurs when an exchange and/or transaction between a costumer and provider, wherein fund is transferred to the provider for any service and/or goods {such as game of bingo} to the costumer (see ¶ 111, 138, 198, 379).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts et al. (US 2002/0099634).

Re claims 1 and 7: Coutts et al. discloses transaction processing systems, which includes a receipt printer (¶ 75-89, 102-121), including a housing 11 (¶ 126, 203); a bar code reader in the housing (¶ 7, 22, 221, 278); and control circuitry {through the module hardware 9/30} in the housing for facilitating communication of receipt data between the printer 14 and a separately housed {herein described as the legacy host as shown in figs.# 1-2, 15} controlling computer and bar code data between the bar code reader and the separately housed controlling computer over a single cable 17 (¶ 170-175). Coutts et al. further discloses a universal serial bus hub/link {which

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also could be an RS-232 link, Firewire or Ethernet link; as shown in fig.# 4a, 8, 15, 26-31} for interconnecting the various peripheral devices within the housing and with the external peripheral devices {¶ 168, 221}.

Coutts et al. is also directed to a POS retail terminal having a receipt printer and a barcode scanner in the same housing (see fig.# 24), wherein the receipt printer is directed to products sold {herein Coutts et al. teaches that “it may be desirable to customize receipts and/or statements to promote a certain product or brand, or for tailoring the receipt to the user”} (see ¶ 198).

Coutts et al. fails to specifically teach that the receipt data reflecting a sale of products and bar code data from the products.

Itkis et al. discloses fully automated bingo session, which includes a point-of-sale terminal 7 and self-service POS terminal 8 comprising of receipt printer 15 (paragraphs 38-41), a CCD bar code reader/scanner 14 {wherein the presentation scanner is fixedly connected to housing/device while bar coded objects are moved through the scanned field} (paragraph 54). Itkis et al. further discloses that the receipt printer assembly may include a printer of a type selected from a group including thermal print, impact (col.8, lines 8-21), and other interfaces {such as a magnetic card reader 16} through the general purpose interfaces (paragraphs 38, 45-50, 67). Itkis et al. further teaches a sales receipt 17 {as shown in figs.# 2-8} (paragraphs 38-50).

In view of Itkis et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the invention was made to employ into the teachings of Coutts et al. a receipt printer for completing sale transaction of products. Such modification would be more effective in

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enabling scanning a product's label/barcode, decoding and outputting product information, and means of accepting, computing currency exchange {i.e. displaying price of the product, entering currency tendered, and computing customer's change back if available, and printing previous steps/functions over customer's receipt} through the receipt printer. Furthermore one skilled would agree that a self-service POS terminal may be interchangeably referred as a checkout system, it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Therefore, such modification would have been an obvious extension as taught by Coutts et al.

Re claim 5: Coutts et al., as modified by Itkis et al., discloses a system and method, wherein the housing was originally designed to only contain the printer, and wherein the bar code reader is located in a position in the housing that does not interfere with operation of the printer (see figs.# 11, 24).

Re claim 6: Coutts et al., as modified by Itkis et al., discloses a system and method, wherein the control circuitry comprises a universal serial bus (¶ 168, 221).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571)272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/EDWYN LABAZE/  
Primary Examiner, Art Unit 2887  
3/5/2009